

LABOR SERVICES DIVISION[875]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 91C.6, the Labor Commissioner hereby gives Notice of Intended Action to amend Chapter 150, "Construction Contractor Registration," Iowa Administrative Code.

This amendment updates a rule to reflect statutory changes set forth in 2009 Iowa Acts, Senate File 478, section 203. Effective July 1, 2009, 2009 Iowa Acts, Senate File 478, changes the contractor registration period from two years to one year and increases the registration fee from \$25 to \$50. This amendment proposes to rescind the rule that reflects the \$25 fee and two-year registration period; make technical changes; and adopt a new rule to assist with the transition to the new fee.

If requested in accordance with Iowa Code section 17A.4(1)"b" by the close of business on July 9, 2009, a public hearing will be held on July 10, 2009, at 3 p.m. in the Stanley Room at 1000 East Grand Avenue, Des Moines, Iowa. At the public hearing, interested persons may make oral statements and file documents concerning the proposed amendment.

The facility for the oral presentations is accessible to and functional for persons with physical disabilities. Persons who have special requirements should call (515)242-5869 in advance to arrange access or other needed services.

Written data, views, or arguments to be considered in adoption shall be submitted by interested persons no later than July 10, 2009, to Division of Labor Services, 1000 East Grand Avenue, Des Moines, Iowa 50319-0209. Comments may be sent electronically to kathleen.uehling@iwd.iowa.gov.

Except for the technical changes, these amendments were also Adopted and Filed Emergency and are published herein as **ARC 7876B**. The paragraphs that appear herein as subrules 150.6(1) and 150.6(2) appear in **ARC 7876B** as paragraphs 150.6(1)"a" and "b"; the language is identical.

The principal reason for adoption of this amendment is to implement legislative intent. No variance procedures are included in these rules because the variance procedures are set forth in 875—Chapter 1.

This amendment is intended to implement Iowa Code chapter 91C and 2009 Iowa Acts, Senate File 478.

The following amendment is proposed.

Rescind rule 875—150.6(91C) and adopt the following **new** rule in lieu thereof:

875—150.6(91C) Fee.

150.6(1) *New applications.* A new application deposited in the U.S. mail shall be accompanied by the fee effective on the date the application is postmarked. A new application delivered in any other manner shall be accompanied by the fee effective on the date the application is received by the division.

150.6(2) *Renewal applications.* A timely renewal application shall be accompanied by the fee effective on the expiration date of the contractor's expiring registration. An application for renewal deposited in the U.S. mail after the expiration date of the contractor's expiring registration shall be accompanied by the fee effective on the date the application is postmarked. An application for renewal delivered to the division in a manner other than U.S. mail and after the expiration date of the contractor's expiring registration shall be accompanied by the fee effective on the date the application is received by the division.

150.6(3) *Fee exemption.* A contractor shall not be required to pay the fee if the application is submitted with a completed and accurate Fee Exemption Application Form. The Fee Exemption Application Form is available from the division.

150.6(4) *Amendments to applications.* A fee is not required for a permissible amendment to an application.